IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 29TH NOVEMBER 2006 / 8TH AGRAHAYANA 1928

WP(C).No. 29433 of 2006(D)

PETITIONER:

S. MOHANACHANDRAN NAIR, AGED 58 YEARS,
S/O.K.P. SREEDHARAN NAIR, L.D.CLERK (TERMINATED)
SALES TAX OFFICE HOSDURG (RESIDING AT
`SWATHI VEEN', P.O. ANNOOR, PAYYANNUR,
KANNUR DISTRICT.)

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT TAXES (D) DEPARTMENT
SECRETARIAT, TRIVANDRUM.

2. THE SECRETARY TO GOVERNMENT
FINANCE (PENSION-B) DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

3. THE JOINT COMMISSIONER
O/O.THE COMMISSIONER FOR COMMERCIAL TAXES
PUBLI OFFICE BUILDING, TRIVANDRUM.

4. THE SALES TAX OFFICER,
HOSDURG, P.O. HOSDURG, KASARAGOD DISTRICT.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 29433 OF 2006

Dated this the 29th November, 2006.

JUDGMENT

According to the petitioner his service was terminated on the ground that he had availed leave and did not report for duty after that. As long as there is no challenge against the order of termination, it is idle to contend for the position that the petitioner will be able to make out a case for grant of terminal benefits. The provisions of Kerala Service Rules do not cast any statutory duty on the respondents to pay pension or other retirement benefits to a person whose service has been terminated. What is challenged in this writ petition is an order which is styled as notice issued by the Inspecting Assistant Commissioner, who is not a respondent herein. If the petitioner is aggrieved by Ext.P3 order removing him from service, he has got statutory remedies and without availing such remedies this writ petition cannot be entertained. Dismissed.

K.K.DENESAN
Judge

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